(vi) The Cochin Verumpattamdars Act (Amendment) Bill

Mr. P. Mani (*Kanayannur*) : I rise to move for leave to introduce the Cochin Verumpattamdars Act (Amendment) Bill.

Mr. C. S. Panicker *(Adur)*: I second it.

Motion put and carried

(vii) The Cochin Shops and Commercial Establishments Bill

Mr. Puthur Achuta Menon *(Kattur)*: I rise to move for leave to introduce the Cochin Shops and Commercial Establishments Bill.

Mr. P. Sankara Menon *(Trichur-North)*: I second it.

Mr. M. O. Thomakutty *(Commerce and Industry)* : In opposing.....

Mr. President: You are opposing leave for introduction. The usual practice in the House is not to oppose leave for introduction but to oppose the introduction of the Bill, at the next stage.

Motion put and carried

(viii) The Cochin Shops and Establishments Bill

Mr. P. K. Dewer (*Nominated*): I rise to move for leave to introduce the Cochin Shops and Establishments Bill.

Mr. Nadarajan Chettiar *(Nominated)*: I second it.

Motion put and carried

(ix) The Cochin Verumpattamdars Act (Amendment) Bill

Mr. A. Eachara Menon (*Chittur-Tattamangalam*) : I rise to move for leave to introduce the Cochin Verumpattamdars Act (Amendment) Bill.

Mr. K. Balakrishna Menon *(Cheruthuruthi)*: I second it.

Motion put and carried

(x) The Cochin Minimum Wages Bill

Mr. P. K. Dewer (*Nominated*) : I rise to move for leave to introduce the Cochin Minimum Wages Bill.

Mr. Nadarajan Chettiar *(Nominated)*: I second it.

Motion put and carried

(xi) The Cochin Verumpattamdars Act (Amendment) Bill

Mr. A. Eachara Menon (*Chittur-Tattamangalam*) : I rise to move for leave to introduce the Cochin Verumpattamdars Act (Amendment) Bill.

Mr K. Balakrishna Menon *(Cheruthuruthi)*: I second it.

Motion put and carried

RESOLUTIONS

4. Necessity of an elected President for the Legislative Couacil

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, I move that 'this Council recommends to Government that the Council may be allowed to elect its own President". I find Sir that a more properly worded resolution and a more effectively worded one stands in the name of my Hon'ble Friend Mr. L. M. Pylee and that is Resolution No. 24 which says that this Council recommends to Government to have an elected President for the Legislative Council from its next meeting onwards". After referring this House to that Resolution also, I wish to make these observations.

LIBRARY ARCHIVES Kerala Legislative Assembly

Hon'ble Members who are here will please note that it is a well-known thing that the Speaker of a House is the custodian of the rights and privileges of this House which rights are very many in number, not as laid down in the Constitution Act but as being conceived laid down and respected after once started in the establishment of conventions. The Constitution Acts of all civilised countries contain only the minimum number of provisions regarding their legislature except on the working side of it and the rights and privileges of the House are acknowledgedly known to be built upon conventions established, respected and honoured. The real role of the speaker of a house, Sir, being what I stated earlier, with the limitations imposed on the highest executive officer of the Government who is, after all, a paid servant of His Highness, these two positions, one of a public servant and the other of the type I described above namely being, the custodian of the rights and privileges of the House to be sedulously engaged in establishing conventions and when once established in respecting them in these conflicting interests, it will be easily conceded that it will be more desirable may necessary to have one amongst us, the chosen representatives of the people, which at any rate at the next election will be a really chosen representative because of adult franchise to occupy such an highest Seat. It is desirable that one amongst us, occupies the highest chair in the realm next to the throne, whose position being what I described earlier. This resolution is worded just in the same way as a cut motion tabled by me during the budget session of 1120 and I have got a reason to table it over again because whatever was thought to be necessary then for having the Diwan in the Chair no more exists. To borrow the phraseology and to quote the language of one of the Hon'ble Ministers who is now in the second row behind the Chief Minister.....

(A voice 'No')

I say yes and a voice says no. One of the Hon'ble Ministers and one of my esteemed friends stated on that earlier occasion that my proposition was an attempt, foolish, because he characterised it as putting the cart before the Horse. According to him there was no meaning in asking for an elected President before responsible Government is established. It might be said Sir that technically speaking the argument holds good even now. But will you hereafter say anything technical. 'No'. I shall repeat and deliberately go for the purpose of this Resolution and as a matter of fact also though we have not technically full responsible Government now, in fact and in practice we have full responsible Government. I explained how it is so on another occasion. That being so the only objection taken by the non-official side and was borrowed by the then smokesman of Government, one of our Secretaries who said then I have nothing more to add except what was stated by the Hon'ble Member for Cochin-Kanayannur Ezhuvas and the mover himself". I am adverting to this because I anticipate that this will be used as an argument on the occasion also. The altered position of today being as stated by me my proposition does not require any speech in support of it. Well if it was a case that I should have been considered foolish in moving the Act in 1120, it might well be said that had I have moved this resolution in the first Council in 1100, the same could have been said with greater force. Because it may well be said that we are just beginning to study. Now I say, Sir, we have studied much. We began indeed a good deal. with our Ex-chief Justice of our High Court, as our first president who is no more, practically. We had next as President one who bailed from the land of the Mother of Parliaments, an ideal President who used not to intervene and who never did anything of the sort which was characterised as helpful for the Government side, I mean Diwan President Mr. Herbert. Then we had as his success or one who was the speaker of the Imperial Legislative Assembly. I am referring to Sir Shanmukham, the grantor of the Constitution. He was followed by an equally good strong parliamentarian in the person of Mr. Dixon. Having had the opportunity of sitting at the feet of these persons culminating in the present President who may, I state here, should be the last Diwan of Cochin and he should, therefore, also be the last un-elected President of this House and that in his own time. All glory for him if he succeeds in doing that. Therefore Sir, with this experience gained, with the proceedings of this House in so many volumes showing what they have been doing, what precedents we have amended in establishing and with this study Sir if it is ever said that we will observe and studying further, I submit, Sir for such things no reply is necessary. That being so Sir, I do not think that my proposition will be resented by anybody, or objected to by any one. There may be a plausible argument against my proposition. It may be asked why not we wait since the Advisory Committee is sitting to find out how amendments to the Constitution Act can be had to have the full picture of responsible Government. That is the reason Sir why I referred to the resolution of the Hon'ble Deputy President. He wants it and I also want the same—

LIBRARY ARCHIVES Kerala Legislative Assembly

but I had not mentioned any time limit—I agree with the Hon'ble Deputy President that it should be from the next meeting in Makaram. By the next time we meet here, my desire, my wish and my prayer is that we may be under an elected President. In our constitution Act section 6 says that the Diwan shall be the ex-officio President. Now that is the main section, that requires amendment. And the other sections following wherein the word 'Diwan' appears will have to be appropriately amended for which the labours of the consambly of Cochin are not necessary because amendments to the constitution Act have been made frequently here and there was such an amendment even in the last Gazette. That section says, Sir, that the Diwan shall be the ex-officio president and the Deputy President shall be elected from amongst the members of this House. Hereafter it will have to be stated that the President and Deputy President of the Council shall be elected from amongst the members of this House. That is the main amendment and the other amendments are only consequential. So the difficulty being nothing, necessity being everything, atmosphere being ideal, arguments throated out, against the same earlier not existing at this time, the very condition which one of the Hon'ble Ministers now and the then Hon'ble Member for Cochin Kanayannur Ezhuvas, said should be established before the elected President is had being practically achieved by the magnanimity, by the far sightedness, by the wisdom of our Maharaja, this proposition may be unanimously accepted. And something tells me that if the resolution is to be passed without any dissentient voice, I tell you sir, and something actually whispers in my ears, Sir, that there is the chance, may the guarantee that the same is accepted by the powers that be. If it is done in the manner in which it ought to be done, without a demur, but with an acclamation, I am sure we are sure to succeed. I commend the resolution for the acceptance of the House.

Mr. L. M. Pylee *(Latin Christians-Ernakulam)*: Mr. President Sir, I second the resolution as the Hon'ble Mover pointed out there is a similar resulution standing in my name, and that is No. 24. I think I need not dwell at length upon the appropiateness of having an elected President for the House. Probably at an earlier stage, the subject may have been a little controversial. But things have changed very much. We have progressed considerably, so that, as it has been pointed out, though complete responsible Government has not yet been, introduced still we have that system almost complete. And, therefore, Sir, at the stage at which we are, I think it is but proper, it is in the fitness of things that the Hon'ble House should have its own Speaker, elected by the House, and therefore adopting the method that is followed in the mother of Parliaments, whose example we follow in so many ways.

Sir, I need not take up any more the time of the House, the point has been argued so ably and prominently, by the Hon'b e Mover. I commend the resolution for the acceptance of this House. I hope it will be accepted without any dissentient voice.

Sir, there is a little difference between the resolution as moved by the Hon'ble Member Mr. P. Kumaran Ezhuthassan and mine. He alluded to mine and said that he agrees with me. My resolution recommends almost immediate introduction, of course not at this meeting, but at least from the next meeting onwards. I feel, Sir, that we need not wait any further. On a matter like this, we need not wait for the recommendations to be submitted by the Advisory Committee on Constitutional Reforms. Here is a matter on which action can immediately be taken, and so, Sir, just as the Hon'ble Mover has expected, I think at least the next meeting of the Council we would have the pleasure and privilege to see that the rights and privileges of this House are vested in the hands of an elected President. With these observations, Sir, I resume my seat.

Rao Sahib P. V. Raphael *(Chief Secretary to Government)*: The last time this resolution was moved in this Council was in the Budget Session of 1120. It was moved by the Hon'ble Member for Vadakkancheri and as usual he moved it with considerable vigour and enthusiasm, but it was lost in that Session. Then it was the duty of my colleague here to oppose that cut motion of the Hon'ble Member for Vadakkancheri. Since then, Sir, things have changed considerably, and therefore, I am not going to oppose this resolution this time. But it does not mean that I am going to accept it either. I feel, Sir, that when the Constitution of Cochin is being examined by a very influential and learned Committee, who we can reasonably expect will go into the Constitution in all its aspects, it will be unfair for this House to ask the Government to anticipate their wishes, or anticipate what their recommendations should be.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Do you doubt this?

LIBRARY ARCHIVES Kerala Legislative Assembly

Rao Sahib P. V. Raphael *(Chief Secretary to Government):* We cannot say that Sir. At any rate to anticipate what their recommendations on the whole Constitution of Cochin State will be, including the question of an elected or non-elected President of this House, is a matter which one cannot in fairness foretell. The Committee is working very vigourously and meeting very often, and there is every reason to expect that their recommendations will be with Government at not far distant date.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* At what near date?

Rao Sahib P. V. Raphael *(Chief Secretary to Government):* Various questions are being examined by the Committee, and we can hope that they will give due weight to all questions affecting the Constitution, and it will be unfair of Government to anticipate what their recommendations would be, and it will be unjust for this House to ask the Government to anticipate them and accordingly, we can wait for a short time more to see what their recommendations will be and then act. In the meantime, the Hon'ble Members, including the Member for Vadakkancheri, can be sure that the rights and privileges of this House will in no way be jeopardised. They are being guarded as enthusiastically and as earnestly, by the President of the day, and you can expect that the President will give that consideration to maintain the rights and privileges of this House, as he has all along been doing. My request to the House is not to force the Government to anticipate the recommendations of the Constitutional Advisory Committee and ask Government to make a decision on this question just at present. With these words, I will request the Hon'ble Mover of this resolution to wait for a few months more to see what their recommendations will be, and in the meantime to withdraw this resolution.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* It was really interesting, Sir, to hear the spokesman of the Government, in the person of the very clever Chief Secretary. Look at the way in which he replied. Lost last time, since then things have considerably changed, hence not opposing it. Advisory Committee, competent and learned, working very vigourously, meeting constantly, hense unfair for Government, and unfair for this House to forestall, therefore wait and see. Rights and privileges of this House will be watched". So said the Hon'ble Chief Secretary. And I interjected by saying 'are being watched'. Therefore, the last resort of the drowning man was attempted in making the request that the Hon'ble Chief Secretary made. The Chief Secretary has done his part admirably well. I am prepared to concede that. But he has most ineffectively answered the demand that is placed before the House. Now I say, Sir, here is the demand. Sir, what exactly is meant by saying that if the Mover were to press for an opinion of this House, and if the House rightly would be supporting this Motion, I know it will be, that will be anticipating, on the part of this House, the labours and the subsequent recommendations of the Advisory Committee. Where is the anticipation. If you decide one way or the other on a matter on which there is not the slightest possibility of any different opinion being recorded by the committee, different from the subject matter under the discussion, I can well understand that we will be anticipating. But when we say in this House, through this resolution, that we want their knownable recommondations a process of reasonable intelligence will show that their recommendations will be like this where is the anticipation I ask. Anything less than that they dare not, and they will not recommend. Because who are the members of the Committee. The four Hon'ble Ministers of this House, of whom one of them said that we should have responsible Government before an elected Chairman can be had. I had already pointed out that we are having responsible Government. Will it be denied? Will the Hon'ble Secretary to Government deny that full responsible Government in practice is working here today?

Rao Sahib P. V. Raphael *(Chief Secretary to Government):* There is that qualification.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Though not technically in actual practice the Hon'ble Member cannot deny it. For attacking there must be grounds. When we see these friends of mine, the Hon'ble Ministers, sitting in consultation with the President of the Cabinet we really enjoy it. You must always put your heads together and not to break them.

Mr. President: Cannot the Hon'ble Member confine his remarks to the subject matter of the resolution?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The statement that I make here....

Mr. President: We are not concerned here with Responsible Government, we are concerned with the occupant of the Chair.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The necessary conditions for having an elected Chairman being here today, namely, full responsible Government in working the

LIBRARY ARCHIVES Kerala Legislative Assembly

argument against why proposition cannot be accepted. I am sure, Sir, that the members of the Advisory Committee will feel it, as nothing anticipating them if the resolution is passed and if it is put into effect as worded in the resolution of the Hon'ble Deputy President, I know they will not misunderstand, because this is an ardent desire in their minds as well. Therefore, Sir, the resolution be as worded by my friend, the Hon'ble Deputy President may be accepted. I do not want to place any sort of hindrance on the smooth working of the Constitutional Advisory Committee. Hence I press the rusolution to a division.

Mr. President: Before I put the resolution to the vote of the House, I would like to say one word, and that is this: I think that the Government may very well accept the resolution as worded. There is no time limit suggested in the resolution, and I think that Government will do well to accept the resolution as an expression of the wish of the House.

Rao Sahib P. V. Raphael *(Chief Secretary to Government):* We have absolutely no objection since there is no time limit fixed in the resolution, but there is the other resolution ..

Mr. President: Order, order. That does not come here.

The resolution as worded was accepted.

At 4 p. m. the Hon'ble President left the Chair, and it was occupied by the Deputy President.

5. The Thottara Punja Irrigation Scheme

Mr. P. T. Jacob *(Latin Christians-Mattancheri):* Sir, I move the following resolution.— "This Council recommends to Government that the Thottara Puncha irrigation scheme should be immediately taken up and executed".

മിസ്റ്റർ പ്രസിഡണ്ട്, സർ, ഞാൻ ഇവിടെ അവതരിപ്പിക്കുവാൻ പോകുന്ന പ്രമേയത്തിൽ ഉദ്ദേശിക്കുന്നതു് ഗവമ്മേണ്ടിന്റേയും ഈ നിയമസഭയുടേയും ദൃഷ്ടിയിൽ വളരെ കാലമായി കൊണ്ടുവന്നിട്ടുള്ള തോട്ടറ പുഞ്ചയിലെ കൃഷിയെ സംബന്ധിച്ചാണു്. അതിൽനിന്നുണ്ടാകുന്ന വിളവു വർദ്ധിപ്പിക്കുവാൻ എന്തെല്ലാം മാർഗങ്ങളാണു് ഗവമ്മേണ്ടു സ്വീകരിക്കേണ്ടതെന്നു ആലോചിക്കുവാൻ ഒരു കമ്മറ്റി നിശ്ചയിക്കുകയും അതു കൂടാതെ ഗവമ്മേണ്ടിൽനിന്നും നേരിട്ടു പല അന്വേഷണങ്ങളും നടത്തുകയും ചെയ്തതിന്റെ ഫലമായി അവിടെ ഒരു സംരക്ഷണ ആവശ്യമാണെന്നു തെളിഞ്ഞു കഴിഞ്ഞിട്ടുണ്ടു്. ഈ നിയമസഭയിൽ ഇതിനു മുമ്പു ഒന്നു രണ്ടവസരങ്ങളിൽ ഈ പുഞ്ചകൃഷി ഇരിപ്പു നിലങ്ങളാക്കുവാൻ വേണ്ടിയുള്ള വലിയ വാദപ്രതിവാദങ്ങളും നടക്കുകയുണ്ടായിട്ടുണ്ടു്. എന്നിട്ടും ഇതുസംബന്ധമായി ഒരു നടപടിയും ഗവമ്മേണ്ടു നടത്തുവാൻ ആലോചിക്കുന്നതായി ഇതുവരെ കാണുവാൻ സാധിച്ചിട്ടില്ല. ഏതാണ്ടു നൂറോളം വരുന്ന ഈ നിലങ്ങളും ഇരിപ്പു നിലങ്ങളാക്കിതീർക്കുവാൻ ഒന്നോ രണ്ടോ മൂന്നോ ലക്ഷം ഉറുപ്പിക ചിലവാക്കേണ്ടിവന്നാൽ തന്നെയും ഇന്നത്തെ ക്ഷേണക്ഷാമത്തെ പരിഗണിച്ചു് അതിനു ഒരു സമാധാനമുണ്ടാക്കുവാൻ ഗവമ്മേണ്ടു അത്യാവശ്യമായും അടിയന്തിരമായും പരിശ്രമിക്കേണ്ടതാണെന്നു ഗവമ്മേണ്ടിനെ ഉൽബോധിപ്പിക്കുവാനാണു് ഞാൻ ഈ പ്രമേയം ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതു്. മറ്റു കൃഷിയിടങ്ങളെ സംബന്ധിച്ചു രക്ഷ നൽകുന്ന കൂട്ടത്തിൽ ഇതിനു ഒരു മുൻഗണന നൽകണമെന്നാവശ്യപ്പെട്ടുകൊണ്ടു ഞാൻ ഈ പ്രമേയം ഇവിടെ അവതരിപ്പിക്കുന്നു.

മിസ്റ്റർ പി. മാണി: സർ, ഞാനും ഈ പ്രമേയത്തെ പിന്താങ്ങുന്നു. ഞാൻ ഇതു പിന്താങ്ങുന്നതിന്റെ ഉദ്ദേശം ഭാരത്തിന്റെ പൂന്തോട്ടമെന്ന പേരിൽ അറിയപ്പെടുന്ന കേരളത്തിന്റെ മദ്ധ്യത്തിൽ സ്ഥിതി ചെയ്യുന്ന കൊച്ചിരാജ്യത്തിലെ ക്ഷേണക്ഷാമം ഇല്ലാതെയാക്കുവാൻ എന്തെല്ലാം പോംവഴികളുണ്ടെന്നുള്ളതെന്നു കണ്ടുപിടിച്ചു പരിഹരിക്കുവാൻ വേണ്ടിയാണു്. ഇത്ര ഫലദായിയുമായ ഒരു രാജ്യത്തു നമുക്കാവശ്യമുള്ള ക്ഷേണസാധനങ്ങൾ ഉണ്ടാക്കുവാൻ കഴിയുമെന്നുള്ളതിനു യാതൊരു സംശയവുമില്ല. നാം അതിനുള്ള ചില പ്രതികൂല സ്ഥിതികളും സ്വീകരിച്ചു പ്രവർത്തിക്കുകയാണെങ്കിൽ ഈ നാട്ടിലെ ജനങ്ങൾക്കു ആവശ്യമുള്ളതിലും കൂടുതലായ ക്ഷേണ സാധനങ്ങൾ ഉണ്ടാക്കുവാൻ സാധിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. അതിനു ഒരു ഉദാഹരണം മാത്രമായിട്ടാണു് ഞാൻ ഈ തോട്ടറ പുഞ്ചയെ സംബന്ധിച്ചു് രണ്ടുവാക്കു സംസാരിക്കുവാൻ ഉദ്ദേശിക്കുന്നതു്.

LIBRARY ARCHIVES Kerala Legislative Assembly